

DECLARATION AND POWER OF ATTORNEY

Attorney Docket No. 5490UK-000002/US/NP

DECLARATION

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name,

I believe that I am the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SURGICAL DEVICE

the specification of which (check one)

- ☐ is attached hereto.
or
☒ was filed on June 4, 2004 as Application Serial No. or PCT International Application No. PCT/GB2004/002367 and was amended on December 5, 2005 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)				
APPN. SERIAL NO.	COUNTRY	DATE FILED (MM/DD/YYYY)	PRIORITY CLAIM	
			Yes	No
0313137.2	Great Britain	06/06/03	X	

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY

I hereby appoint David L. Ahlersmeyer, Reg. No. 31,938 and Eric Waldkoetter, Reg. No. 36,713 of Biomet, Inc.; Brian D. Hollis, Reg. No. 51,075; Richard W. Warner, Reg. No. 38,043, and Stephen J. Foss, Reg. No. 31,251 of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CORRESPONDENCE ADDRESS

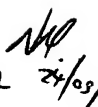
I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

Full name of sole or first inventor: Nick James Theophilus Metcalfe

Inventor's signature: 

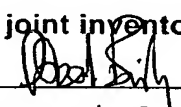
Date: 24/05/06

Residence: ~~14 Padget Road, Penarth, South Wales, CF64 1DS, United Kingdom~~

Citizenship: United Kingdom ~~THE COACH HOUSE, WEST END, KINGHAM, CHIPPING NORTON, OXF 69L~~  24/05/06

Mailing Address: Same as above

Full name of second joint inventor, if any: Robert John Andrew Bigsby

Inventor's signature: 

Date: 17th March 2006

Residence: 15 Plassey Street, Penarth, South Wales, CF64 1EJ, United Kingdom

Citizenship: United Kingdom

Mailing Address: Same as above

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/559,151
Filing Date: December 5, 2005
Applicant: Metcalfe, et al.
Group Art Unit: To Be Assigned
Examiner: To Be Assigned
Title: SURGICAL DEVICE
Attorney Docket: 5490UK-000002/US/NP

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT UNDER 37 CFR 3.73(b) AND POWER OF ATTORNEY

Under 37 C.F.R. § 3.73(b), the undersigned hereby states that the below-named Assignee is an assignee in the above-identified Application:

Assignee: Biomet Merck Limited
Waterton Industrial Estate
Bridgend, South Glamorgan
CF31 3XA
United Kingdom

The documentary evidence of a chain of title from the original owner to the Assignee is provided in the Assignment Document(s):

☒ filed herewith,
☐ previously filed,
Reel No. _____, Frame No. _____.

POWER OF ATTORNEY

I hereby appoint David L. Ahlersmeyer, Reg. No. 31,938 and Eric Waldkoetter, Reg. No. 36,713 of Biomet, Inc.; Brian D. Hollis, Reg. No. 51,075; Richard W. Warner, Reg. No. 38,043, and Stephen J. Foss, Reg. No. 31,251; of Harness, Dickey & Pierce, P.L.C., my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

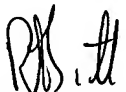
CORRESPONDENCE ADDRESS

I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Customer No. 27572, Harness, Dickey & Pierce, P.L.C., P. O. Box 828, Bloomfield Hills, Michigan 48303 (248) 641-1600.

The undersigned, whose title is supplied below, is empowered to sign this certificate on behalf of the assignee.

Respectfully submitted,

Date: 24 April 2006



Name: ROBERT SCOTT
Title: TECHNICAL DIRECTOR

ASSIGNMENT

Atty. Docket No. 5490UK-000002/US/NP

The undersigned, hereinafter referred to collectively as Assignor, has an interest in the invention entitled:

SURGICAL DEVICE

which is the subject of a United States or International application for patent

- (a) ☐ executed on even date preparatory to filing (each inventor should sign this Assignment on the same day as he/she signs the Declaration and Power of Attorney);
- (b) ☐ executed on _____, _____, _____;
- (c) ☒ filed on June 4, 2004, and assigned Serial No. _____ or PCT International Application No. PCT/GB2004/002367;
- (d) ☐ U.S. Patent No. _____, issued _____, and
☐ presently assigned as evidenced at Reel _____, Frame _____; or
- (e) ☐ entitled above and naming the undersigned inventors in this provisional patent application; and

BIOMET MERCK LIMITED, Waterton Industrial Estate, Bridgend, South Glamorgan CF31 3XA United Kingdom, hereinafter referred to as Assignee, is desirous of acquiring Assignor's interest therein:

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy whereof is hereby acknowledged, Assignor by these presents does sell, assign and transfer unto Assignee and its successors in interest, the full and exclusive right, title and interest in the United States of America and all foreign countries, including the right to claim priority under the laws of the United States, the Paris Convention, and any foreign countries, to the said invention as described in the aforesaid application, said application for patent and all Letters Patent therefor to be held and enjoyed by Assignee to the full end of the term for which said Letters Patent are granted and any extensions thereof as fully and entirely as the same would have been held by Assignor had this assignment and sale not been made, and the right to recover for past infringements of, or liabilities for, any of the rights relating to any of said applications or patents resulting therefrom;

Assignor hereby covenants and agrees to execute all instruments or documents required or requested for the making and prosecution of any applications of any type for patent in the United States and in all foreign countries including, but not limited to, any provisional, continuation, continuation-in-part, divisional, renewal or substitute thereof, and as to letters patent any reissue, re-examination, or extension thereof, and for litigation regarding, or for the purpose of protecting title to the said invention, the United States application for patent, or Letters Patent therefor, and to testify in support thereof, for the benefit of Assignee without further or other compensation than that above set forth;


Assignor hereby covenants that no assignment, sale or agreement or encumbrance has been or will be entered into which would conflict with this Assignment; and

Assignor hereby requests the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States of America to Assignee, and requests that any official of any country or countries foreign to the United States, whose duty it is to issue or grant patents and applications as aforesaid, to issue said Letters Patent, Utility Model Registration or Inventor's Certificate to Assignee.

Assignor hereby authorizes an attorney authorized to prosecute this patent application to insert here in parentheses (Application No. 10/559,151, filed December 5, 2005) the filing date and application number of said application when known.

ASSIGNMENT

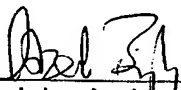
Attorney Docket No.: 5490-000002/US/NP



Nick James Theophilus METCALFE

24/05/06

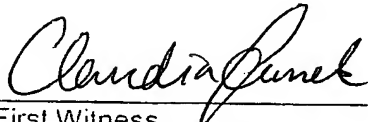
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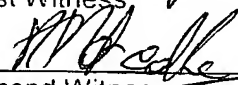


Robert John Andrew BIGSBY

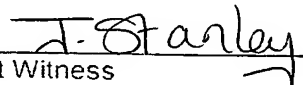
17th March 2006

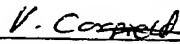
Dated



First Witness


Second Witness



First Witness


Second Witness